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REDISTRICTING. INITIATIVE CONSTITUTIONAL AMENDMENT.

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SECRETARY OF STATE
KEVIN SHELLEY
STATE OF CALIFORNIA

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November 30, 2004

TO: ALL REGISTRARS OF VOTERS/COUNTY CLERKS AND PROPONENTS
(04386)

FROM: Brianna Lierman
BRIANNA LIERMAN

SUBJECT: **INITIATIVE #1068**

Pursuant to Elections Code section 336, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed initiative measure entitled:

**REDISTRICTING.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

The proponent of the above-named measure is:

Edward J. "Ted" Costa
People's Advocate, Inc.
3407 Arden Way
Sacramento, CA 95825

(916) 482-6175

REDISTRICTING.
INITIATIVE CONSTITUTIONAL AMENDMENT.

CIRCULATING AND FILING SCHEDULE

1. Minimum number of signatures required: 598,105
California Constitution, Article II, Section 8(b)
2. Official Summary Date:..... Tuesday, 11/30/04
3. Petitions Sections:
 - a. First day Proponent can circulate Sections for
signatures (EC §336) Tuesday, 11/30/04
 - b. Last day Proponent can circulate and file
with the county. All sections are to be filed at the
same time within each county (EC §336, 9030(a))..... Friday, 04/29/05
 - c. Last day for county to determine total number of
signatures affixed to petitions and to transmit total
to the Secretary of State (EC §9030(b))..... Wednesday, 05/11/05

(If the Proponent files the petition with the county on a date prior to 04/29/05,
the county has eight working days from the filing of the petition to determine the
total number of signatures affixed to the petition and to transmit the total to the
Secretary of State) (EC §9030(b)).
 - d. Secretary of State determines whether the total number
of signatures filed with all county clerks/registrars of
voters meets the minimum number of required signatures,
and notifies the counties..... Friday, 05/20/05*
 - e. Last day for county to determine total number of qualified
voters who signed the petition, and to transmit certificate
with a blank copy of the petition to the Secretary of State
(EC §9030(d)(e))..... Tuesday, 07/05/05

*Date varies based on the date of county receipt.

INITIATIVE #1068

Circulating and Filing Schedule continued:

(If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 05/21/05, the last day is no later than the thirtieth working day after the county's receipt of notification).(EC §9030(d)(e)).

- f. If the signature count is more than 657,916 or less than 568,200 then the Secretary of State certifies the petition as qualified or failed, and notifies the counties. If the signature count is between 568,200 and 657,916 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of **all** signatures (EC §9030(f)(g); 9031(a)) Friday, 07/15/05*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State. (EC §9031(b)(c)). Friday, 08/26/05

(If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 07/15/05, the last day is no later than the thirtieth working day after the county's receipt of notification)
(EC §9031(b)(c)).

- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient (EC §9031(d); 9033)..... Tuesday, 08/30/05*

*Date varies based on the date of county receipt.

IMPORTANT POINTS

- California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fundraising or requests for support. Any such misuses constitutes a crime under California law. Elections Code section 18650; *Bilofsky v. Deukmejian* (1981) 124 Cal. App. 3d 825, 177 Cal. Rptr. 621; 63 Ops. Cal. Atty. Gen. 37 (1980).
- Please refer to Elections Code sections 100, 101, 101.5, 104, 9001, 9008, 9009, 9021, and 9022 for appropriate format and type consideration in printing, typing and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- Your attention is directed to the campaign disclosure requirements of the **Political Reform Act of 1974**, Government Code section 81000 et seq.
- When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- When filing the petition with the county elections official, please provide a blank petition for elections official use.

Enclosures

BILL LOCKYER
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 125
P.O. BOX 944255
SACRAMENTO, CA 94244-2550
Public: (916) 445-9555

Facsimile: (916) 324-8835
Phone: (916) 324-5490

November 30, 2004

FILED

in the office of the Secretary of State
of the State of California

Kevin Shelley
Secretary of State
1500 - 11th Street, 5th Floor
Sacramento, California 95814

NOV 30 2004

KEVIN SHELLEY, Secretary of State

RE: Initiative Title and Summary
SUBJECT: REDISTRICTING.
INITIATIVE CONSTITUTIONAL AMENDMENT.
FILE NO: SA2004RF0031

By Brianne Herman
Deputy Secretary of State

Dear Mr. Shelley:

Pursuant to the provisions of sections 9004 and 336 of the Elections Code, you are hereby notified that on this day we mailed our title and summary to the proponent of the above-identified proposed initiative.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of service thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of service.

Sincerely,

TRICIA KNIGHT
Initiative Coordinator

For BILL LOCKYER
Attorney General

TK/cw
Enclosures

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

REDISTRICTING. INITIATIVE CONSTITUTIONAL AMENDMENT. Amends state constitutional provisions governing redistricting of California's Senate, Assembly, Congressional and Board of Equalization districts. Requires panel of three retired judges, selected by legislative leaders, to adopt new redistricting plan if this measure passes and again after each national census. Panel must consider legislative and voter proposals and hold public hearings. Redistricting plan effective upon unanimous adoption by judges' panel and filing with Secretary of State. If plan subsequently disapproved by voters, process repeats. Specifies time for judicial review of adopted redistricting plan; if plan fails to conform to requirements, court may order new plan. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: One-time state redistricting costs, probably totaling a few million dollars, with comparable savings for each redistricting effort after 2010 (once every ten years). These costs and savings would be accommodated within the Legislature's existing spending limit.

**PEOPLE'S
ADVOCATE, INC.**

Paul Gann, Founder

Your Voice in Government



SA2004 RFD031

October 5, 2004

Hon Attorney General
Bill Lockyer

Attention Trish Knight, Initiative Coordinator

RECEIVED
OCT 06 2004

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Trish:

Enclosed you will find an initiative, entitled "Redistricting Reform: The Voter Empowerment Act of 2004," five pages in length. Also included is a check for \$200.00 as is requested for filing fees.

I am asking you to prepare a title and summary. I am a registered voter in California and a citizen of the United States. I am also enclosing a 9608 affidavit.

Thank You

Edward J. "Ted" Costa

REDISTRICTING REFORM: THE VOTER EMPOWERMENT ACT

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO VOTERS

SECTION 1. Findings and Declarations of Purpose

The People of the State of California find and declare that:

(a) Our Legislature should be responsive to the demands of the citizens of the State of California, and not the self-interest of individual legislators or the partisan interests of political parties.

(b) Self-interest and partisan gerrymandering have resulted in uncompetitive districts, ideological polarization in our institutions of representative democracy, and a disconnect between the interests of the People of California and their elected representatives.

(c) The redistricting plans adopted by the California Legislature in 2001 are repugnant to the People, self-serving, and in direct opposition to the People's interest in fair and competitive elections. They should not be used again.

(d) We demand that our representative system of government be fair to all, open to public scrutiny, free of conflicts of interest, and dedicated to the principle that government derives its power from the consent of the governed. Therefore, the People of the State of California hereby adopt the "Redistricting Reform: The Voter Empowerment Act."

SECTION 2. Fair Redistricting

Article XXI of the California Constitution is amended to read (added language shown in underline text, deleted language shown in strike-out text):

Section 1. (a) Except as provided in subdivision (b), in the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, a panel of Special Masters composed of retired judges shall adjust the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization districts in accordance with the standards and provisions of this Article.

(b) Within 45 days following the adoption of this amendment, the Legislature shall appoint pursuant to the provisions of subdivision (c)(2) a panel of Special Masters to adopt a

plan of redistricting adjusting the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization districts for use in the next statewide primary and general elections and until the next adjustment of boundary lines is required pursuant to subdivision (a). The panel shall establish a schedule and deadlines to ensure timely adoption of the plan. Except for subdivision (c)(1), all provisions of this Article shall apply to the adoption of the plan required by this subdivision.

(c)(1) Except as provided in subdivision (b), on or before January 1 of the year following the year in which the national census is taken, the Legislature shall appoint pursuant to the provisions of subdivision (c)(2) a panel of Special Masters composed of retired judges to adopt a plan of redistricting adjusting the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization districts pursuant to this Article.

(2) The Judicial Council shall nominate sixteen retired judges willing to serve as Special Masters. Only retired state or federal judges, who have never held partisan political office and have not changed their party affiliation, as declared on their voter registration affidavit, since their initial appointment or election to judicial office, are qualified to serve as a Special Master. A retired judge selected to serve as a Special Master shall also pledge, in writing, that he or she will not accept state public employment or public office, other than judicial employment or judicial office or a teaching position, for at least 5 years if appointed as a Special Master. Not more than eight of the sixteen retired judges may be of a single party affiliation. From the pool of retired judges nominated by the Judicial Council, the Speaker of the Assembly, the Minority Leader of the Assembly, the President pro Tempore of the Senate and the Minority Leader of the Senate shall each nominate three retired judges, who are not registered members of the same political party as that of the legislator making the nomination. Each legislator authorized to nominate a retired judge shall also be entitled to exercise a single peremptory challenge striking the name of any nominee of any other legislator. From the list of remaining nominees selected by said legislative leadership, the Chief Clerk of the Assembly shall then draw, by lot, three persons to serve as Special Masters and three alternates. If the drawing produces three Special Masters registered to vote as members of a single political party, or fails to produce at least one Special Master from each of the two largest political parties, the drawing shall be conducted again. If for any reason said legislative leadership fails to nominate the retired judges within the period specified for appointment of the Special Masters, the Chief Clerk of the Assembly shall draw, by lot, three persons to serve as Special Masters and three alternates from the larger pool of retired judges nominated by the Judicial Council. In the event of a vacancy in the panel of Special Masters, the Chief Clerk shall draw, by lot, a replacement from the pool of alternates immediately following the vacancy, consistent with the requirements of this subdivision.

(d) Each Special Master shall be compensated at the same rate and in the same manner as a member of the California Citizens Compensation Commission pursuant to Section 8(j) of Article III and shall receive their actual and necessary expenses, including travel expenses,

incurred in the performance of their duties. The Special Masters' term of office shall expire upon approval or rejection of a plan pursuant to subdivision (f).

(e) Public notice shall be given of all meetings of the Special Masters, and the meetings shall be open to the public. The panel of Special Masters shall establish and publish a schedule to receive and consider proposed plans from any member of the Legislature or any elector. The panel of Special Masters shall hold at least three public hearings throughout the state to consider redistricting plans. Before the adoption of a final plan, the Special Masters shall submit their plan to the Legislature for an opportunity to comment. The final redistricting plan shall be approved by a single resolution adopted unanimously by the Special Masters and shall become effective upon its filing with the Secretary of State for use at the next statewide primary and general election, and if adopted by initiative pursuant to subdivision (f), for succeeding elections until the adjustment of new boundaries is required pursuant to this Article.

(f) The Secretary of State shall submit such plan at the next general election following its adoption under subdivision (e) for approval or rejection by the voters as if it were proposed as a initiative statute under Section 8 of Article II.

(g) If the plan is approved by the voters pursuant to subdivision (f) hereof, it shall be used in succeeding elections until the adjustment of new boundaries is required. If the plan is rejected by the voters, a new panel of Special Masters shall be appointed within 90 days for the purpose of proposing a new plan for adoption pursuant to this Article.

(h) The Legislature shall make such appropriations from the Legislature's operating budget, as limited by section 7.5 of Article IV, as necessary to provide the panel of Special Masters with equipment, office space, and necessary personnel, including counsel and independent experts in the field of redistricting and computer technology, to assist them in their work. The Legislative Analyst shall determine the maximum amount of the appropriation, based on one-half the amount expended by the Legislature in creating plans in 2001, adjusted by the California Consumer Price Index. Until the appropriations are made, the Fair Political Practices Commission, or any successor agency, shall furnish, from existing resources, staff and services to the panel as needed for the performance of its duties.

Section 2. (a) Each member of the Senate, Assembly, Congress, and the Board of Equalization shall be elected from a single-member district. Districts of each type shall be numbered consecutively commencing at the northern boundary of the state and ending at the southern boundary.

(b) The population of all districts of a particular type shall be as nearly equal as practicable. For congressional districts, the maximum population deviation between districts shall not exceed federal constitutional standards. For state legislative and Board of Equalization

districts, the maximum population deviation between districts of the same type shall not exceed one percent or any stricter standard required by federal law.

(c) Districts shall comply with any applicable federal statute, including the federal Voting Rights Act.

(d) Each Board of Equalization district shall be comprised of ten adjacent Senate districts and each Senate district shall be comprised of two adjacent Assembly districts.

(e) Every district shall be contiguous.

(f) District boundaries shall conform to existing geographic boundaries of a county, city, or city and county to the greatest extent practicable. In this regard, a redistricting plan shall comply with these criteria in the following order of importance: (1) create the most whole counties possible, (2) create the fewest county fragments possible, (3) create the most whole cities possible, and (4) create the fewest city fragments possible, except as necessary to comply with the requirements of the preceding subdivisions of this section.

(g) Every district shall be as compact as practicable except to the extent necessary to comply with the requirements of the preceding subdivisions of this section. With regard to compactness, to the extent practicable, a contiguous area of population shall not be bypassed to incorporate an area of population more distant.

(h) No consideration shall be given as to the potential effects on incumbents or political parties. No data regarding the residence of an incumbent or the party affiliation or voting history of electors may be used in the preparation of plans, except as required by federal law.

Section 3. Any action or proceeding alleging that a plan adopted by the Special Masters does not conform with the requirements of this Article must be filed within 45 days of the filing of the plan with the Secretary of State or such action or proceeding is forever barred. Judicial review of the conformity of any plan with the requirements of this Article may be pursuant to a petition for extraordinary relief. If any court finds a plan to be in violation of this Article, it may order that a new plan be adopted by a panel of Special Masters pursuant to this Article.

~~Section 1. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Legislature shall adjust the boundary lines of the Senatorial, Assembly, Congressional, and Board of Equalization districts in conformance with the following standards:~~

~~(a) Each member of the Senate, Assembly, Congress, and the Board of Equalization shall be elected from a single-member district.~~

~~(b) The population of all districts of a particular type shall be reasonably equal.~~

(c) Every district shall be contiguous.

~~(d) Districts of each type shall be numbered consecutively commencing at the northern boundary of the state and ending at the southern boundary.~~

~~(e) The geographical integrity of any city, county, or city and county, or of any geographical region shall be respected to the extent possible without violating the requirements of any other subdivision of this section.~~

SECTION 3. Severability

If any part of the measure or the application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can reasonably be given effect without the invalid provision or application.

SA2004RF0033

Civil Rights for Families

PO Box 596, Rancho Murieta, CA. 95683
916-230-2123 Tony95683@netzero.net

Nov. 12, 2004

Honorable California Attorney General
Bill Lockyer
1300 I Street, 17th Floor
Sacramento, CA 95814
916-324-5490

Reference: Resubmit; Civil Rights for Families Initiative. No SA2004RF0023

Dear Christine,

It is hereby requested that the attached amended initiative "Civil Rights for Families" be resubmitted. There are no changes from the original dated June 24, 2004..

I am also attaching a new 9608 affidavit.

Sincerely,

Tony Andrade

SA2004RF0033

Civil Rights for Families

PO Box 596, Rancho Murieta, CA. 95683
916-230-2123 Tony95683@netzero.net

Nov. 12, 2004

Honorable California Attorney General
Bill Lockyer
1300 I Street, 17th Floor
Sacramento, CA 95814
916-324-5490

Reference: Resubmit; Civil Rights for Families Initiative. No SA2004RF0023

AFFIDAVIT

I, Anthony Andrade, proponent, acknowledge that it is a misdemeanor under state law (Section 18650) of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for this ballot.

Dated this 12 day of NOV. 2004

RECEIVED
NOV 12 2004
INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

SA2004RF0033
~~SA2004RF0033~~
~~Amended~~

AMMENDED: Proposed California Ballot Initiative. Statute.

SECTION 1. Section 51556 is added to the Education Code, to read:

51556. (a) Before homosexuality, lesbianism, bestiality, sadism, masochism, sodomy, pederasty, pedophilia, transvestitism, bisexuality, transgenderism, transexuality, necrophilia, domestic partnerships, cunnilingus, fellatio, orgies, or masturbation may be taught in any public school setting in the presence of any pupil in grades 7 to 12, inclusive, the school shall notify the parent or guardian of the pupil in writing no more than 15 days and no less than 10 days in advance, and obtain the parent's or guardian's written approval.

(b) The subjects specified in subdivision (a) may not be taught in any public school setting in the presence of any pupil in kindergarten or grades 1 to 6, inclusive.

(c) The written approval shall be effective for only one day. Notice and written approval shall be required for each additional day.

(d) The notice provided by the school shall include all of the following:

1. The notice shall be titled "Request for Parental Approval of Specified Sexual Instruction" and shall be printed at the top of the page, in boldface and no less than 16 point type, immediately followed by the text of subdivisions (a) and (b) of this Section in no less than 14 point type.
2. The date, time and location of the instruction.
3. The name of the teacher or administrator in charge of the instruction and the name and affiliation of the presenters, if any.
4. The telephone number where the teacher or administrator in charge may be reached during regular school hours.
5. A reminder that parents and guardians may attend the class or assembly.
6. A detailed and accurate description of the information to be taught, including but not limited to the scope and content of any instruction, activity, program, testimonial or counseling; copies of any curriculum, text, illustration, poster, handout, literature, test, survey, audio or visual presentation, and the address of any Internet site to be used.
7. The information required by subdivisions (2) through (6) shall be printed in no less than 12 point type.

(e) Any curriculum, text, illustration, poster, handout, literature, test, survey, audio visual presentation to be used in the instruction of any of the subjects specified

in subdivision (a) shall be kept in the school office, out of the sight of pupils, and shall be available for inspection and copying by any parent, guardian, or agent of the parent or guardian beginning at least 15 days in advance, and for at least 15 days after the instruction. Written *approvals* shall be retained by the school for at least 90 days. A parent, guardian, or agent of the parent or guardian is entitled to inspect and copy the completed *approval* form of the parent or guardian upon request. The school district may charge a reasonable fee to cover costs associated with copying the requested items.

(f) If a parent or guardian does not grant *approval*, the pupil may not be penalized, but shall be excused from the instruction and offered other activities worth equal credit. If the parents or guardians of a majority of the students in a class or assembly withhold their written *approval*, then the instruction of any of the subjects in subdivision (a) shall be relocated.

(g) A school district in which a district employee, contractor, agent, or volunteer is determined to be in violation of this section shall be liable to the pupil or the pupil's parent or guardian for damages of five thousand dollars (\$5,000), adjusted annually by an inflation factor based on the change in the California Consumer Price Index for all items, per incident. In any action brought under this section, the school district shall have the burden of proving that it complied with the notice and *approval* requirements. The prevailing plaintiff shall be entitled to reasonable attorney fees and court costs.

(h) For purposes of this section, the following definitions apply:

1. "Parent" means the biological parent or the legally adoptive parent.
2. "Guardian" means the legal guardian of the pupil.
3. "Taught" means provide any, explanation, demonstration, discussion, counseling, depiction, dissemination, display, posting, test, question, survey, or assignment.
4. "Instruction" means any explanation, demonstration, discussion, counseling, depiction, dissemination, display, posting, test, question, survey, or assignment.
5. "Notice" or "Notify" means any written advisory, subject to the requirements of subdivision (d), that one or more of the subjects specified in subdivision (a) will be taught.
6. "Public school setting" means on school grounds or any school sponsored activity involving any school district employee, contractor, volunteer, or agent regardless of location.

(i) This section is not intended to, and shall not be construed to, prevent or limit a school district from disciplining any person who engages in unlawful conduct with respect to a pupil or a school employee.



j) Consistent with the other requirements of this article, subdivisions (a) and (b) do not apply to applicable instruction regarding the prevention of disease that is federally approved or to individual pupils who request confidential counseling with a school psychologist or peace officer.

(k) This section does not apply to students who are 18 years of age or older.

(l) This section shall be liberally construed in favor of prohibiting the teaching of the subjects specified in subdivision (a).

(m) This section shall supercede all other provisions of law.

(n) The provisions of this section are severable. If any provision of this section or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

